

denied October 5, 2005. In O'Donald, the Third Circuit held that the meaning of 18 U.S.C. § 3624(b) was ambiguous and therefore the Bureau of Prisons' reasonable interpretation of the statute was entitled to deference by the federal courts under Chevron USA v. Natural Resources Defense Council, 467 U.S. 837 (1984). *Id.*; see also Greene v. Miner, 2005 WL 977846 (3d Cir. April 28, 2005). The Circuit's O'Donald decision is dispositive of the matters at hand.

III. CONCLUSION

_____It is respectfully recommended that that the instant above-captioned petitions for writ of habeas corpus be denied.¹

In accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Local Rule 72.1.4 B, the parties are allowed ten (10) days from the date of service to file written objections to this report. Any party opposing the objections shall have seven (7) days from the date of service of objections to respond thereto. Failure to timely file objections may constitute a waiver of any appellate rights.

S/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
Chief United States Magistrate Judge

Dated: October 26, 2005

¹ Section 102 of the Antiterrorism and Effective Death Penalty Act (28 U.S.C. § 2253(as amended)) codified standards governing the issuance of a certificate of appealability for appellate review of a district court's disposition of a habeas petition. Amended Section 2253 provides that "[a] certificate of appealability may issue ... only if the applicant has made a substantial showing of the denial of a constitutional right." However, federal prisoner appeals from the denial of a § 2241 habeas corpus proceeding are not governed by the certificate of appealability requirement. United States v. Cepero, 224 F.3d 256, 264-65 (3d Cir. 2000); 28 U.S.C. § 2253(c)(1)(B). As such, this Court makes no certificate of appealability determination in this matter.